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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,060	04/29/2002	Leonardus Lambertus Van Loen	02-020	6053

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EXAMINER

MAMMEN, NATHAN SCOTT

ART UNIT PAPER NUMBER

3671

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

Office Action Summary

Application No.

10/031,060

Applicant(s)

VAN LOEN, LEONARDUS
LAMBERTUS

Examiner

Nathan S Mammen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by van Vuuren, U.S. Patent No. 4,892,152.

The van Vuuren '152 patent discloses a sod harvesting device. The device comprises a mobile chassis with a first knife (8) that is capable of cutting sod free from a field and a second knife (11) that is capable of cutting sod in a direction transverse to the direction of travel. The second knife is equipped with actuation means (Fig. 1, see cylinder on top of blade 11) which cause the knife to work into the sod when a desired length has been reached. Transport means (12) are present near the first knife to receive the cut away sod and to carry it away. An electronic sensor (10) is installed near a conveyor track (12) for the sod. The sensor is capable of recording at least a measure for a length of passing sod and of producing this as an electronic signal. The sensor is linked by electric means to the actuation means for the second knife in order to release the knife upon reaching a predetermined sod length (col. 2, lines 7-11).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over van Vuuren, U.S. Patent No. 4,892,152, in view of Van Vuuren, U.S. Patent No. 6,244,354.

The van Vuuren '152 patent discloses the claimed invention, as stated in paragraph 2 above, except for explicitly stating that the sensor is linked to the actuation means via a central processing unit and that the sod harvesting device includes electronic detection means for measuring thickness of the sod. The Van Vuuren '354 patent teaches that it is known in the art to provide a sod harvesting device with a central processing unit (C). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sod harvesting device of the van Vuuren '152 patent with the central processing unit of the Van Vuuren '354 patent, in order to provide a controller for actuating the second knife.

Regarding claims 3-4: The van Vuuren '152 discloses that the electronic sensor records a rotation of a wheel (10). The sensor records an incremental pulse (i.e., each revolution) (col. 2, lines 9-11). It would be obvious for the sensor to record the direction of rotation of the wheel.

Regarding claims 6-13: The Van Vuuren '354 patent further teaches that it is known to provide a sod harvesting device with an electronic detection means (TD) for measuring the thickness of the sod. Because of where the Van Vuuren '354 places the electronic detection means, it inherently senses whether sod is present on the conveyor. The sensor is freely suspended in a direction transverse to the conveyor track (col. 4, lines 24-46). The sensor comprises an electronic switch (72). This sensor and switch is capable of recording an amount of raising of the sensor. The first knife is adjustable and equipped with adjustment means (D) that

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can be controlled from the central processing unit (C). The adjustment means (D) is an electronically controlled actuator connected to the knife.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over van Vuuren, U.S. Patent No. 4,892,152, in view of Worrel et al., U.S. Patent No. 5,571,252.

The van Vuuren '152 patent discloses the claimed invention, as stated in paragraph 2 above, except for the mechanism comprising a clutch, a cam and a spring-biased knife. The Worrel '252 teaches that it is known in the art to provide a sod harvester with a clutch (i.e., valves), a cam (40) and a spring-biasing for the knife (col. 3, lines 30-50 and col. 8, lines 28-35). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the sod harvester of the van Vuuren '152 patent with the a second knife arrangement as taught by the Worrel '252 patent, in order to provide an alternative actuating mechanism for the cut-off knife.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Mammen whose telephone number is (703) 306-5959. The examiner can normally be reached Monday through Thursday from 6:30 a.m. to 5:00 p.m.

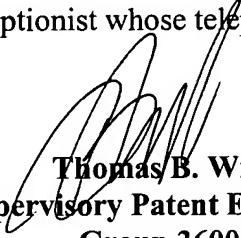
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will, can be reached at (703) 308-3870. The fax number for this Group is (703) 305-3579.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-1113.



Thomas B. Will
Supervisory Patent Examiner
Group 3600

NSM
9/4/03

Nathan S. Mammen